

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

DAVID BIERI,	:	Civil No. 3:23-CV-1919
	:	
Plaintiff,	:	
	:	
v.	:	
	:	(Magistrate Judge Carlson)
MARTIN O'MALLEY,	:	
Commissioner of Social Security,¹	:	
	:	
Defendant.	:	

ORDER

For the reasons set forth in the accompanying Memorandum Opinion, IT IS ORDERED that the Commissioner's Motion to Remand, (Doc. 17), is GRANTED, the final decision of the Commissioner denying this claim is VACATED, and this case is REMANDED to the Commissioner to conduct a new administrative hearing pursuant to 42 U.S.C. § 405(g). IT IS FURTHER ORDERED that the Commissioner schedule an expedited hearing on remand and promptly issue a revised decision. Finally, IT IS ORDERED that final judgment should be entered in favor of the plaintiff and against the Commissioner of Social Security and this case be CLOSED.

¹ Martin O'Malley became the Commissioner of Social Security on December 20, 2023. Accordingly, pursuant to Rule 25(d) of the Federal Rules of Civil Procedure and 42 U.S.C. § 405(g), Martin O'Malley is substituted for Kilolo Kijakazi as the defendant in this suit.

So ordered this 5th day of November 2024.

S/Martin C. Carlson

Martin C. Carlson

United States Magistrate Judge